

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	RM-8658
HEAR-IT NOW Petition for Rulemaking)	
)	
Section 68.4(a) of the Commission's Rules:)	
Hearing Aid Compatible Telephones)	

**REPLY COMMENTS OF THE
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (“TIA”)¹ hereby replies to the comments submitted in response the Commission’s Public Notice² seeking comment on the Wireless Action Coalition’s (“WAC”) request to re-open the above-captioned proceeding.³ TIA agrees with CTIA,⁴ among others, that the Commission should not commence a rulemaking proceeding at this time, principally because of progress that has been made to date. Moreover, the WAC has not demonstrated that a basis exists for the Commission to determine that all four requirements listed in Section 68.4 of the Commission's rules for revocation or limitation of the mobile phone exemption have been met.⁵

¹ TIA is a full-service national trade organization with membership of 1,000 large and small companies that provide communications and information technology products, materials, systems, distribution services and professional services in the United States and around the world. The association's member companies manufacture or supply virtually all of the products used in global communications networks.

² *Wireless Telecommunications Bureau Seeks Comment on Request to Re-Open the Petition for Rule Making Regarding Hearing Aid-Compatible Telephones*, RM-8658, Public Notice, DA 00-2402 (rel. Oct. 25, 2000).

³ Wireless Access Coalition Letter to Re-open Petition Concerning Hearing Aid Access (filed Oct. 10, 2000).

⁴ See CTIA Comments (filed Dec. 8, 2000).

⁵ Section 68.4(a)(4) lists the four findings that the Commission must make in order for it to revoke or otherwise limit the exemptions found in subsection (a)(1). 47 C.F.R. § 68.4(a)(4).

I. THE WIRELESS INDUSTRY IS COMMITTED TO AND IS ACTIVELY ENGAGED IN ADDRESSING TECHNICAL ISSUES AFFECTING THE COMPATIBILITY OF HEARING AIDS AND WIRELESS PHONES

For years, members of the wireless industry, along with hearing aid manufacturers and consumers with hearing impairments, have studied and taken various steps to address the issue of electromagnetic compatibility between digital wireless phones and hearing aids. The industry well understands that consumers with hearing impairments seek access to digital telecommunications products and services on the same terms as persons without disabilities. The industry has made significant contributions and committed substantial personnel and technical and other resources to address accessibility issues through scientific research and the development of products for consumers who wear hearing aids and want to use digital wireless phones.

Moreover, in a recent significant effort, the industry has completed the development of a standard, ANSI C63.19, which will facilitate measurement of the level of interference between an individual's hearing aid and a digital wireless phone. This standard will test the level of compatibility between any hearing aid and any wireless phone. Based on results of the testing, the particular combination of phone and hearing aid can be grouped into a category and, if certain criteria are met, can be classified as hearing aid compatible. Since hearing aids are uniquely fitted to optimize the hearing of the user, designs vary. This standard is designed for the consumer to make the best match between the two types of devices – hearing aids and digital phones. Several scientific studies have been conducted, with the support of the wireless industry, to verify the effectiveness of the testing standard. These studies indicate that the testing standard will be an accurate measure of the compatibility of any hearing aid and wireless phone combination.

All technical reviews of ANSI C63.19 have been completed and the standard is out for ballot. It is expected that it will be published in January 2001. The industry will then begin to implement the standard and educate hearing aid manufacturers on its use.

II. THE INDUSTRY IS MEETING THE REQUIREMENTS OF SECTION 255, CONCERNING ACCESS BY PERSONS WITH DISABILITIES TO TELECOMMUNICATION PRODUCTS AND SERVICES

Section 255 of the Communications Act,⁶ as amended by the Telecommunications Act of 1996, requires that telecommunications equipment and services be accessible by persons with disabilities, if readily achievable. Where not readily achievable, compatible peripheral devices are required.⁷

With regards to the accessibility of digital wireless phones, accessibility for all phone devices with all hearing aids is not yet readily achievable. The ANSI C63.19 standard will identify for some hearing impaired users which phones will be accessible with particular hearing aids. The industry recognizes, however, that this is not a solution that will completely resolve the technical issues. Thus, digital phone manufacturers have developed peripheral “accessory” devices to achieve accessibility and usability for the hearing impaired consumer. Some manufacturers have developed products to allow hands-free use of wireless phones with hearing aids. Inductive coupling loopsets and silhouette devices, for example, allow digital wireless phones to operate with hearing aids in T-coil mode. In addition, some hearing aids on the market can be used successfully with some digital phones.

⁶ 47 U.S.C. § 255.

III. CONCLUSION

In light of advances in hearing aid compatible products and the upcoming publication of standards to measure interference between wireless phones and hearing aids, TIA believes that it is not necessary nor would it be appropriate for the Commission to revoke or modify the Section 68.4(a) exemption to the hearing aid compatibility requirements for wireless phones. The Commission therefore should deny the request by the Wireless Action Coalition to reopen the petition for rulemaking in this proceeding.

Respectfully submitted,

Telecommunications Industry Association

/s/

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January 8, 2001

⁷ 47 U.S.C. § 255(d).